

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JAMAL DAVIS,

Plaintiff,

-against-

KIRKPATRICK & LOCKHART, LLP,

Defendant.
-----x

04 CV 9195 (RPP)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, pursuant to Rule 34 of the Federal Rules of Civil Procedure, and upon the annexed affirmation of Chidi Eze in support of Plaintiff's Motion to Compel and the accompanying exhibits thereof, Plaintiff will move this court, at the United States District Court, Southern District of New York, located at 60 Center Street, New York, NY 10007, before the Honorable Judge Robert P. Patterson, United States District Judge, on a date and time to be designated by the court, for an Order of the Court:

- 1. Compelling the defendant to respond to plaintiffs written requests fully and satisfactorily within five days of this court's Order, to wit; Plaintiff's Document Requests Nos 3 and 4, and Interrogatory No. 6.**
- 2. Or in the alternative, precluding the defendant from introducing any witnesses or materials in support of its defense or to controvert plaintiff's testimony at the time of trial, on the compensation of similarly situated White employees.**
- 3. And granting plaintiffs monetary penalties and such other reliefs as this court deems just**

Dated: Brooklyn, New York
June 22, 2005

By /s/ Chidi Eze
Chidi Eze (CE-4333), of counsel
310 Livingston Street
Brooklyn, New York

(718) 855 3005

To: Martin Kamisky (MK 3033)
Justin Y.K. Chu (JC 7810)
Pollack & Kaminsky
114 West 47th Street
New York, NY 10036

CERTIFICATE OF SERVICE

Chidi Eze, an attorney admitted to practice in the United States District Court for the Southern District of New York and in the State of New York, certifies under penalty of law that the within plaintiff's Notice of Motion, the Memorandum of Law in Support of the Motion and all accompanying exhibits were served on the defendant on June 22, 2005, by depositing same in a United States Postal Service depository and addressed with a first class mail to the defendant's attorney's offices at the following address;

Martin Kamisky (MK 3033)
Justin Y.K. Chu (JC 7810)
Pollack & Kaminsky
114 West 47th Street
New York, NY 10036

Dated: Brooklyn, New York
June 22, 2005

By _____
Chidi Eze, Esq.